

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LENORA BROMFIELD,

Plaintiff,

-v-

BRONX LEBANON SPECIAL CARE
CENTER, INC., et al.,

Defendants.

CIVIL ACTION NO.: 16 Civ. 10047 (ALC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Before the Court is a letter from pro se Plaintiff Lenora Bromfield (“Ms. Bromfield”). (ECF No. 273 (the “Letter”)). In the Letter, Ms. Bromfield represents that she has produced to Defendants tax documents for the years 2018, 2019, and 2020, in accordance with the Court’s prior orders dated February 28, 2022, March 14, 2022, and April 4, 2022. (ECF Nos. 258; 265; 272). The Court appreciates Ms. Bromfield’s efforts in completing this production.

In the Letter, Ms. Bromfield also states that she is unable to comply with the Court’s direction that “the parties [] file a letter to the Honorable Andrew L. Carter certifying that discovery is complete” (ECF No. 272), because she has appealed the Court’s orders dated March 7, 2022, March 14, 2022, and March 17, 2022 to the United States Court of Appeals to the Second Circuit. (ECF Nos. 262; 265; 269 (together, the “Orders”); see ECF No. 270). She therefore requests that “[a]ny further proceeding in this matter should be stayed pending [her] appeal, as [she] intend[s] to seek further discovery regarding depositions.” (ECF No. 273 at 1).

Given Ms. Bromfield’s pro se status, the Court construes her Letter as a motion for a stay pending appeal. The factors governing such a motion include: “(1) whether the stay applicant

has made a strong showing that [s]he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” Hilton v. Braunskill, 481 U.S. 770, 776 (1987); see In re World Trade Center Disaster Site Litig., 503 F.3d 167, 170 (2d Cir. 2007) (same); Bank of N.Y. Mellon v. Bell, No. 3:11-CV-1255 (JAM), 2015 WL 2184280, at *2 (D. Conn. May 9, 2015) (same).

Balancing these factors, the Court concludes that a stay is not warranted here. First, Ms. Bromfield has not made a showing of success on the merits. As the Second Circuit has explained, “[a]n order from a magistrate judge is not directly appealable to [the Second Circuit] unless, upon the consent of the parties, the magistrate judge is given plenary jurisdiction by the district court pursuant to 28 U.S.C. § 636(c)(1).” Hunnicut v. Mangiafico, 20 F. App’x 57, 58 (2d Cir. 2001). “Instead, review of such orders must first be sought from the district judge.” (Id.) Here, the docket reflects that the parties have not consented to plenary jurisdiction of a Magistrate Judge, and Ms. Bromfield did not first appeal the Orders to United States District Judge Andrew L. Carter. The Court anticipates that the Second Circuit will likely dismiss Ms. Bromfield’s appeal for lack of jurisdiction, and therefore, she cannot show a likelihood of success on the merits. See Hunnicut, 20 F. App’x at 59 (dismissing for lack of jurisdiction appeal from magistrate judge’s non-plenary orders).

As to the remaining factors, Ms. Bromfield has not attempted to show irreparable harm absent a stay, whereas Defendants will be prejudiced by further delays in resolving this more than six year-old litigation. Finally, the Court finds that the public interest favors allowing this

action to proceed to a resolution before Judge Carter, rather than imposing a delay for an appeal that likely lacks merit.

For these reasons, the request for a stay pending appeal is DENIED.

Dated: New York, New York
April 8, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail To: Lenora Bromfield
66 Washington Terrace
Bridgeport, CT 06604